



**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,  
Plaintiff,  
  
v.  
DAVID MICHAEL LINEHAN,  
Defendant.

Case No. 2:18-MJ-03368  
ORDER OF DETENTION

**I.**

On December 21, 2018, Defendant David Michael Linehan ("Defendant") made his initial appearance in this district on the Complaint filed in the United States District Court for the Southern District of Florida, Case No. 2:18-MJ-03368. The Court appointed Deputy Federal Public Defender ("DFPD") Pedro Castillo to represent Defendant.

The Court conducted a detention hearing based on a motion by the Government pursuant to 18 U.S.C. § 3142(e) in a case alleging that there is no condition or combination of conditions that reasonably will assure (a) the appearance of the defendant as required, and (b) the safety or any other person and

1 the community.

2 The Court concludes that the Government is not entitled to a rebuttable  
3 presumption that no condition or combination of conditions reasonably will assure  
4 the defendant's appearance as required and the safety or any person or the  
5 community [18 U.S.C. § 3142(e)].

6  
7 II.

8 The Court finds that no condition or combination of conditions will  
9 reasonably assure: ☒ the appearance of the defendant as required.

10 ☒ the safety of any person or the community.

11 The Court bases its conclusions on the following:

12 As to risk of non-appearance:

- 13 • Nature of the charged offense;
- 14 • Lack of ties to the United States, having resided outside of the U.S.  
15 for the past 17 years; specifically in Cambodia for three years, Hong  
16 Kong for four to five years, and Thailand for three years;
- 17 • Extensive foreign travel and ties as detailed above, including a  
18 pending job offer in Vietnam;
- 19 • No bail resources;
- 20 • Unverified background information;
- 21 • Lack of residence if released.

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23 As to danger to the community:

- 24 • Nature of the charged offense;
- 25 • Apparent symptomatic mental health issues and no effort to seek  
26 treatment for same.

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1 III.

2 In reaching this decision, the Court considered: (a) the nature and  
3 circumstances of the offense(s) charged, including whether the offense is a crime  
4 of violence, a Federal crime of terrorism, or involves a minor victim or a controlled  
5 substance, firearm, explosive, or destructive device; (b) the weight of evidence  
6 against the defendant; (c) the history and characteristics of the defendant; and  
7 (d) the nature and seriousness of the danger to any person or the community. [18  
8 U.S.C. § 3142(g).] The Court also considered the report and recommendation of  
9 the U.S. Pretrial Services Agency.

10  
11 V.

12 IT IS THEREFORE ORDERED that Defendant be detained until trial. The  
13 defendant is remanded to the custody of the U.S. Marshal for forthwith removal to  
14 the Southern District of Florida. The defendant will be committed to the custody of  
15 the Attorney General for confinement in a corrections facility separate, to the  
16 extent practicable, from persons awaiting or serving sentences or being held in  
17 custody pending appeal. The defendant will be afforded reasonable opportunity  
18 for private consultation with counsel. On order of a Court of the United States or  
19 on request of any attorney for the Government, the person in charge of the  
20 corrections facility in which defendant is confined will deliver the defendant to a  
21 United States Marshal for the purpose of an appearance in connection with a court  
22 proceeding. [18 U.S.C. § 3142(i).]

23  
24 Dated: December 26, 2018

25 \_\_\_\_\_/s/\_\_\_\_\_  
26 HON. MARIA A. AUDERO  
27 UNITED STATES MAGISTRATE JUDGE  
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